



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

JAN 05 2011

DAVIDSON BERQUIST JACKSON & GOWDEY LLP  
4300 WILSON BLVD., 7TH FLOOR  
ARLINGTON VA 22203

PCT LEGAL ADMINISTRATION

In re Application of	:	
SZARO et al.	:	
Application No.: 10/572,359	:	DECISION
PCT No.: PCT/US2005/036533	:	
Int. Filing Date: 14 October 2005	:	
Priority Date: 14 October 2004	:	
Attorney Docket No.: 2786-0002	:	
For: POP-UP SPORTS TRAINING ASSEMBLIES	:	
& RELATED DEVICES AND METHODS	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 20 October 2010 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 14 October 2005, applicant filed international application PCT/US2005/036533 which designated the U.S. and claimed a priority date of 14 October 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 27 April 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 April 2007 (14 April 2007 being a Saturday).

On 16 March 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

On 07 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, *inter alia*, that additional fees of \$1,140 were required. The Notification set a two-month extendable time period.

On 11 June 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the Notification mailed 07 July 2008.

On 20 October 2010, applicant filed the instant petition under 37 CFR 1.137(b).

### DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), authorization to charge the additional fees to Deposit Account 50-1860 was provided on 20 October 2010. (Search fee-\$50; Exam fee-\$110, Surcharge-\$65, and claims in excess of 20-\$364).

As to item (2), applicant submitted the petition fee on 20 October 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### Declaration of Inventors

The declaration of inventors filed 16 March 2006 is in compliance with 37 CFR 1.497(a)-(b).

### CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301